

Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

VANESSA SIMMONDS,

Plaintiff,

V.

GOLDMAN SACHS & CO., a New York limited partnership,

and

J.P. MORGAN SECURITIES INC., a
Delaware corporation,

Defendants,

and

KANA SOFTWARE, INC., a Delaware corporation, formerly known as KANA COMMUNICATIONS, INC..

Nominal Defendant

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), Plaintiff hereby dismisses this

action with prejudice as to the adequacy-of-the-pre-suit-demand issue under the
PLAINTIFF'S NOTICE OF DISMISSAL – 1 GORDON TILDEN THOMAS & CORDELL LTD.

PLAINTIFF'S NOTICE OF DISMISSAL – 1
No. C07-1578 JLR

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1 standard articulated by the Ninth Circuit (*see Simmonds v. Credit Suisse Sec.*
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3 (*USA*) LLC, 638 F.3d 1072, 1097 (9th Cir. 2011) (citing *In re Kauffman Mut. Fund*
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5 *Actions*, 479 F.2d 257, 267 (1st Cir. 1973)), and without prejudice as to all other
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7 issues.

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9 DATED this 11th day of June, 2012.
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CERTIFICATE OF SERVICE

I hereby certify that on June 11, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following.

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s/Mark Wilner

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